

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 XING ZHAO

11 Plaintiff,

v.

12 TRADEGO FOREX EXCHANGE, *et al.*,

13 Defendants.

CASE NO. C23-1821-JCC

ORDER

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15 This matter comes before the Court on Plaintiff's motion for additional time to serve  
16 certain defendants in this action (Dkt. No. 16). The Court hereby GRANTS the motion for the  
17 reasons described below.

18 The Court previously discussed the background of this case in a prior order. (*See* Dkt.  
19 No. 13.) It will not repeat that discussion here. Having been denied a motion to serve Defendants  
20 David Neilson and Ronald Greg Ameral by publication, Plaintiff now asks the Court for an  
21 extension of time to serve these Defendants—to June 30, 2024. (*See generally* Dkt. No. 16.) In  
22 support, Plaintiff describes the efforts taken to date to locate and serve these Defendants. (*Id.*)

23 Rule 4 provides as follows:

24 If a defendant is not served within 90 days after the complaint is  
25 filed, the court—on motion or on its own after notice to the  
26 plaintiff—must dismiss the action without prejudice against that  
defendant or order that service be made within a specified time. But

1 if the plaintiff shows good cause for the failure, the court must  
2 extend the time for service for an appropriate period.

3 Fed. R. Civ. P. 4(m).

4 In *Efaw v. Williams*, the Ninth Circuit Court of Appeals held that a district court erred in  
5 allowing service on a defendant seven years after the complaint was filed given that the length of  
6 the delay was extraordinary, the plaintiff offered no reasonable explanation for his seven year  
7 failure to serve, and the delay prejudiced the defendant because the memories of all the witnesses  
8 had faded and the only eyewitness to the events at issue had passed away. See 473 F.3d 1038,  
9 1041 (9th Cir. 2007). The facts here are a far cry from those facts.

10 Plaintiff's delay is slight and appears to be entirely of these defendants' own making.  
11 (See generally Dkt. Nos. 7, 7-1, 7-2.) Plaintiff has diligently attempted to locate and serve these  
12 defendants. (*Id.*) The short extension sought is unlikely to prejudice these Defendants. For the  
13 foregoing reasons, the Court GRANTS Plaintiff's motion (Dkt. No. 16) and EXTENDS  
14 Plaintiff's deadline for effectuating service to June 30, 2024.

15 DATED this 8th day of April 2024.



16  
17 John C. Coughenour  
18 UNITED STATES DISTRICT JUDGE  
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